REMARKS

Claims 1, 3 and 5-23 are pending in the application.

Claim 15 has been allowed.

Claims 1, 5-14 and 16-23 stand rejected.

Claim 3 stands objected to.

Claims 1, 5, 8, 13 and 16 have been amended.

Claim 3 has been cancelled.

Formal Matters

In the Advisory Action of November 18, 2005, it was indicated that claims 1 and 5-12 would be allowable if the amendments made in the Final Office Action response (filed November 3, 2005) were presented once again, claims 1 and 5-12 would be in condition for allowance. Applicants thank the Examiner for this indication, and respectfully present these amendments once again. Applicants therefore respectfully submit that claims 1 and 5-12 are in condition for allowance.

Rejection of Claims under 35 U.S.C. § 112

Claims 5-12 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 5 and 8 have been amended to address these issues. Applicants therefore respectfully submit that this rejection is overcome thereby. No new matter has been added.

Serial No.: 09/663,252

Rejection of Claims under 35 U.S.C. § 102

Claims 1 and 5 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Rockwell, et al., U.S. Patent No. 5,479,599 (Rockwell). Applicants respectfully submit that, in light of the amendments noted previously, claims 1 and 5 are in condition for allowance.

Rejection of Claims under 35 U.S.C. § 103

Claims 6, 7, 13, 14 and 16-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rockwell, et al., U.S. Patent No. 5,479,599 (Rockwell). Applicants respectfully traverse this rejection, in light of the aforementioned amendments.

As an initial matter, Applicants respectfully submit that claims 6 and 7 are in condition for allowance, as noted previously herein.

While not conceding that the cited reference qualifies as prior art, but instead to expedite prosecution, Applicant has chosen to respectfully disagree and traverse the rejection as follows. Applicant reserves the right, for example, in a continuing application, to establish that the cited reference, or other references cited now or hereafter, do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

With regard to 13, 14 and 16-23, Applicants respectfully submit that claims independent claims 13 and 16 have been amended to recite as follows:

13. A method for allocating processing resources, the method employing a computer user interface coupled to a display screen and to an input device for generating signals in response to interactions of a user, the method comprising:

allocating the processing resources to create a computing environment by

accepting a first signal from the input device which enables the user to specify a

type of operating system for use in the computing environment, *wherein*

said type of operating system is one of a plurality of types of operating

systems;

accepting a second signal from the input device which enables the user to specify

a type of processor for use within the computing environment, *wherein*

said type of processor is one of a plurality of types of processors;

activating an active operating system, wherein the active operating system is an

operating system of the specified type to run in the computing

environment; and

activating an active processor, wherein the active processor is a processor of the

specified type to run in the computing environment, and the computing

environment comprises the active processor and the active operating

system. (Emphasis supplied)

16.   A computer user interface for allocating processing resources comprising:

first instructions for allocating the processing resources by enabling a user to specify a

type of operating system from *a plurality of types of operating systems* for use in

a computing environment; and

second instructions for enabling the user to specify a type of processor from *a plurality of*

types of processors for use in the computing environment, wherein

the computer user interface is configured to create the computing environment,

and

the computing environment comprises the at least one type of operating system

and the at least one type of processor. (Emphasis supplied)

As an initial matter, Applicant maintains that Rockwell is concerned with the

configuration of processors in a single multiprocessor computer. There are no operations of

substance for Rockwell's console to perform, other than activating or deactivating one or more of the computer's processors. Applicant respectfully reiterates that nowhere in Rockwell is there shown, taught or suggested any "configuration" of Rockwell's processors in the cited portions of Rockwell, or elsewhere therein, that would (or even could) result in a computing environment. Rockwell's disclosure thus fails to appreciate the need to allocate a processing resource, and so, the manner in which a processing resource could be allocated to create a computing environment. Merely providing for the activation/deactivation of a processor or group of processors does not suffice.

By contrast, the claimed invention is directed to the allocation of processing resources (which, Applicant respectfully notes, includes a processor and operating system (and not simply the activation/deactivation of a processor)) in order to create a computing environment. Thus, unlike Rockwell, which deals only with the activation/deactivation of a processor or group of processors in a multiprocessor computer, the claimed invention acts on the processing resources being allocated to configure them into a computing environment, in order to meet the needs of the computing environment, and so the application to which the computing environment is put.

Moreover, as will be appreciated, the claimed invention's process of configuration includes the configuration of both hardware (one or more processors) and software (at least an operating system), which can be of disparate types, as is reflected in amended claim 13 and claim 16. The claimed invention's use of disparate types of processing resources is one of the claimed invention's strengths, allowing available processing resources to be configured to meet the user's needs, notwithstanding the fact that any two of those processing resources may differ from one another. Such capabilities are nowhere shown, taught or suggested by Rockwell. Rockwell's disclosure is infirm in this regard due to Rockwell's being concerned only with the

activation/deactivation of a processor or group of processors in a single multiprocessor computer. Rockwell would not, therefore, reasonably be expected to show, teach or suggest the configuration of computing resources (including a processor and an operating system), in order to form a computing environment the claimed invention.

The Office Action correctly notes that Rockwell fails to teach that a specific type of operating system and processor are selected, and as noted in the Advisory Action, from a plurality of operating systems and processors. Applicants agree that, among other failings of Rockwell, Rockwell fails to so teach. However, the Office Action states the cited portions of Rockwell teach a multiplicity of processors and a multiplicity of operating systems. This fails on at least two counts. First, the cited portion of Rockwell fails to show, teach or suggest multiple types of processors and/or operating systems. In fact, Rockwell would fail to give one of skill in the art at the time of invention any such suggestion, and even any appreciation, for the need for such functionality. Rockwell fails to demonstrate any appreciation for the need for processors of different types, and certainly would not be expected to have any understanding of multiple types of operating systems. This is so for at least the reason that Rockwell would be forced to execute such disparate operating systems on various ones of Rockwell's homogeneous processors. Rockwell provides no guidance or instruction as to how this might successfully be accomplished. This comes as no surprise, as Rockwell does not purport to provide such functionality, but merely provides for activating and de-activating one or more of a number of processors – that is all.

Second, the portion of Rockwell cited as teaching a multiplicity of operating systems (col. 4, lines 28-41) fails to even show, teach or suggest multiple operating systems, teaching only that information regarding the operating system being used is part of a "profile" that is used

Serial No.: 09/663,252

to load the operating system. No mention is made of the ability, or even the possibility, of using more than one operating system.

For at least these reasons, Rockwell, even in light of skill in the art (which Applicant maintains is neither appropriate nor properly defined in the Office Action), fails to make obvious the claimed invention, as claimed in independent claims 13 and 16. Moreover, Applicant respectfully asserts that claims 14 and 17-23, which depend from independent claims 13 and 16, are also allowable, for at least the foregoing reasons.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5084.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 29, 2005.
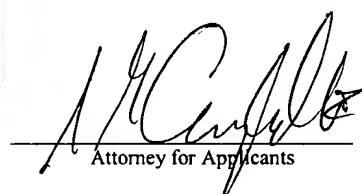
_____   11/29/05
Attorney for Applicants   Date of Signature

Respectfully submitted,
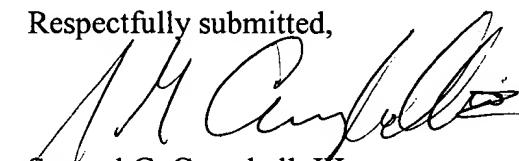
Samuel G. Campbell, III
Attorney for Applicants
Reg. No. 42,381
Telephone: (512) 439-5084
Facsimile: (512) 439-5099

Serial No.: 09/663,252